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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,845	12/09/2003	Arnold H. Bramnick	BOC9-2003-0040 (410)	5227
40987	7590	01/25/2008		
AKERMAN SENTERFITT			EXAMINER	
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WEST PALM BEACH, FL 33402-3188				
			ART UNIT	PAPER NUMBER
			3628	
			MAIL DATE	DELIVERY MODE
			01/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/730,845

Applicant(s)

BRAMNICK ET AL.

Examiner

ERIC LIOU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 8, and 15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

2. Claim 8 is objected to because of a minor informality. The phrase, "the cost" should be changed to "a cost" in line 7 to stay consistent with independent claims 1 and 15. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 1, 8, and 15 recite the limitation, "wherein at least one of said rules specifies offering said passengers an accommodation and said alternative flights available on said airline if said associated accommodation costs are less than the re-booking costs for said alternative flights on said other airlines, and wherein at least another of said rules specifies offering said passengers said alternative flights on said other airlines if said re-booking costs for said alternative flights on said other airlines are less than said accommodation costs associated with said alternative flights on said airline." It is unclear what the result is when said associated accommodation costs are

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greater than or equal to the re-booking costs for said alternative flights on said other airlines and when said re-booking costs for said alternative flights on said other airlines are greater than or equal to said accommodation costs associated with said alternative flights on said airline.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600 in view of Ingram, "Travellers Leave for Portugal after 24-hour Wait for Plane", The Globe and Mail (Canada), June 26, 1986, pg. A21 and further in view of Shetty et al., U.S. Publication No. 2003/0191678.

8. As per claims 1 and 8, Slivka teaches a method and a machine readable storage for re-booking passengers from cancelled flights, comprising the steps of:

determining a plurality of alternative flights for said passengers offered by an airline operating said cancelled flights and other airlines (Slivka: paragraphs 0006; 0014-0015, "...moving passengers to a different airline");

obtaining passenger data for each of said passengers (Slivka: Fig. 1, "120"; paragraphs 0033; 0034, "passenger information may be obtained"), wherein said passenger data comprises passenger re-booking costs that include a cost to said airline which has cancelled a flight to re-

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book said passenger on one of said alternative flights offered by said other airlines (Slivka: paragraphs 0014; 0015, “provider cost of moving passengers to a different airline”);

comparing said passenger data for said passengers with one or more rules (Slivka: Fig. 1; paragraph 0024, “Rules engine 113 may be a set of instructions, that when executed by a processor (e.g., CPU 104) perform a process that determines values associated passengers based on one or more travel rules.”); and

offering at least a portion of said alternative flights to said passengers based upon said comparing step (Slivka: Fig. 1; Fig. 2, “235”; Fig. 3; paragraph 0045).

9. Slivka does not teach accommodation costs associated with each one of said alternative flights offered by said airline, including hotel and meal charges, of accommodating the passenger until said alternative flight offered by the airline is available; wherein at least one of said rules specifies offering said passengers an accommodation and said alternative flights available on said airline if said associated accommodation costs are less than the re-booking costs for said alternative flights on said other airlines, and wherein at least another of said rules specifies offering said passengers said alternative flights on said other airlines if said re-booking costs for said alternative flights on said other airlines are less than said accommodation costs associated with said alternative flights on said airline.

10. Ingram teaches accommodation costs associated with each one of said alternative flights offered by said airline, including hotel and meal charges, of accommodating the passenger until said alternative flight offered by the airline is available (Ingram: paragraphs 0003; 0008-0009).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and machine readable storage of Slivka to have included

accommodation costs associated with each one of said alternative flights offered by said airline, including hotel and meal charges, of accommodating the passenger until said alternative flight offered by the airline is available as taught by Ingram for the advantage of accommodating disrupted passengers and maintaining customer satisfaction.

12. Slivka in view of Ingram does not explicitly teach wherein at least one of said rules specifies offering said passengers an accommodation and said alternative flights available on said airline if said associated accommodation costs are less than the re-booking costs for said alternative flights on said other airlines, and wherein at least another of said rules specifies offering said passengers said alternative flights on said other airlines if said re-booking costs for said alternative flights on said other airlines are less than said accommodation costs associated with said alternative flights on said airline. The Examiner notes, the above-mentioned wherein limitations merely recite a situation using common business practice for maximizing a company's success. One skilled in the art would recognize that it is basic business practice to select the alternative that best suits the business financially, i.e. select the most cost effective alternative or solution to a problem.

13. Moreover, Shetty teaches a travel method and system for resolving travel disruptions by selecting the least cost solution for rescheduling a passenger (Shetty: paragraph 0006).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and machine readable storage of Slivka in view of Ingram to have included wherein at least one of said rules specifies offering said passengers an accommodation and said alternative flights available on said airline if said associated accommodation costs are less than the re-booking costs for said alternative flights on said other

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airlines, and wherein at least another of said rules specifies offering said passengers said alternative flights on said other airlines if said re-booking costs for said alternative flights on said other airlines are less than said accommodation costs associated with said alternative flights on said airline as taught by Shetty for the advantage of accommodating disrupted passengers in a manner that best suits an airline financially.

15. **As per claims 2 and 9**, Slivka in view of Ingram discloses the method and machine readable storage of claims 1 and 8. Slivka further discloses the said passenger data for each of said passengers comprises remaining unflown ticket value and a passenger lifetime value (Slivka: paragraphs 0033-0035).

16. **As per claims 3 and 10**, Slivka in view of Ingram discloses the method and machine readable storage of claims 2 and 9. Slivka further discloses the said passenger lifetime value comprises at least one of the frequent flyer status of the passenger and the ticket purchase history of the passenger (Slivka: paragraph 0035).

17. **As per claims 4 and 11**, Slivka in view of Ingram discloses the method and machine readable storage of claims 1 and 8. Slivka further discloses the said passenger data is provided real time (Slivka: paragraph 0034, "...the passenger information may be obtained from the departure control system, which is the computer system used at the gate before check-in." The Examiner interprets the departure control system as providing passenger data in real time.).

18. **As per claims 5 and 12**, Slivka in view of Ingram discloses the method and machine readable storage of claims 1 and 8. Slivka further discloses the said re-booking flights are determined from flight inventory data and reservation data (Slivka: paragraph 0032, "Operations database 118"; paragraph 0036, "...re-accommodation driver 111 may retrieve from operations

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database 118 seat availability information associated with each flight included in the flight schedule information.” The Examiner interprets seat availability information to be flight inventory data and reservation data.).

19. **As per claims 6 and 13**, Slivka in view of Ingram discloses the method and machine readable storage of claims 1 and 8. Slivka further discloses the said passenger data is obtained from at least one selected from the group consisting of accounting data, customer relationship management data, and loyalty data (Slivka: paragraph 0035, see passenger database 120).

20. **As per claims 7 and 14**, Slivka in view of Ingram discloses the method and machine readable storage of claims 6 and 13. Slivka further discloses a value score for each of said passengers is obtained using said passenger data (Slivka: paragraph 0037, “re-accommodation driver 111 may determine a PNR value”), and said re-booking flights are offered to each of said passengers based upon said passenger value score (Slivka: paragraphs 0044; 0045).

21. **As per claim 15**, Slivka in view of Ingram and further in view of Shetty discloses the limitations of the claim for the same reasoning as described in claims 1 and 8 above.

### ***Conclusion***

The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or



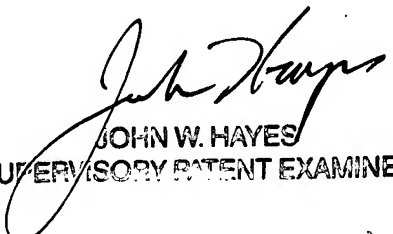
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disclosed by the Examiner. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC LIOU whose telephone number is (571)270-1359. The examiner can normally be reached on Monday - Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EL

  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER